

AMENDED IN SENATE MAY 1, 2008

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1185

Introduced by Senator Lowenthal

(Principal coauthor: Assembly Member Houston)

(Coauthor: Senator Dutton)

(~~Coauthor: Assembly Member Walters~~ *Coauthors: Assembly Members
Solorio and Walters*)

February 12, 2008

An act to amend Sections ~~66452.11 and 66452.13~~ *66452.11, 66452.13, and 66463.5* of, to add Section ~~66452.16~~ *66452.21* to, and to amend and renumber Sections 66452.11 and 66452.12 of, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1185, as amended, Lowenthal. Land use: subdivision maps.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by, the city, county, or city and county in which the land is situated a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on May 15, 1996. This extension is in addition to any other extension of the expiration date provided for

in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to ~~24~~ 12 months, as specified, for any vesting tentative map, in addition to a tentative map, generally, *that has not expired as of the date adding these provisions*. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(2) The Subdivision Map Act provides that when a tentative map is required, an approved or conditionally approved tentative map must expire 24 months after its approval or conditional approval, or after any additional time period as prescribed by local ordinance, not to exceed an additional 12 months. A subdivider may file with the appropriate legislative body, prior to the expiration of the approved or conditionally approved tentative map, an application to extend the time at which the map will expire for a period or periods not to exceed a total of 5 years.

This bill instead would allow the subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of 6 years. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

~~(2)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(3)~~

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 66452.11 of the Government Code, as added by Section 1 of Chapter 407 of the Statutes of 1993, is amended to read:

66452.11. (a) The expiration date of any tentative subdivision map or parcel map for which a tentative map has been approved that has not expired on the date that the act that adds this section becomes effective shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, ~~66452.16~~ 66452.21, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on the date that the act that adds this section becomes effective.

SEC. 2. Section 66452.11 of the Government Code, as added by Section 6 of Chapter 612 of the Statutes of 2007, is amended and renumbered to read:

66452.14 (a) Pursuant to the provisions of subparagraph (E) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice of the intent to convert 180 days prior to the termination of tenancy in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

“To the occupant(s) of

(address)

The owner(s) of this building, at (address), plans to convert this building to a (condominium, community apartment, or stock cooperative project). This is a notice of the owner’s intention to convert the building to a (condominium, community apartment, or stock cooperative project).

A tentative map to convert the building to a (condominium, community apartment, or stock cooperative project) was approved by the City on _____. If the City approves a final map, you may be required to vacate the premises, but that cannot happen

1 for at least 180 days from the date this notice was served upon
2 you.

3 Any future notice given to you to terminate your tenancy because
4 of the conversion cannot be effective for at least 180 days from
5 the date this notice was served upon you. This present notice is
6 not a notice to terminate your tenancy; it is not a notice that you
7 must now vacate the premises.

8
9
10 _____
11 (signature of owner or owner's agent)

12 _____
13 (date)"

14 The written notices to tenants required by this section shall be
15 deemed satisfied if such notices comply with the legal requirements
16 for service by mail.

17 SEC. 3. Section 66452.12 of the Government Code, as added
18 by Section 7 of Chapter 612 of the Statutes of 2007, is amended
19 and renumbered to read:

20 66452.15 (a) Pursuant to subparagraph (F) of paragraph (2)
21 of subdivision (a) of Section 66427.1, the subdivider shall give
22 written notice within five days after receipt of the subdivision
23 public report to each tenant of his or her exclusive right for at least
24 90 days after issuance of the subdivision public report to contract
25 for the purchase of his or her respective unit in the form outlined
26 in subdivision (b).

27 (b) The notice shall be as follows:

28
29 "To the occupant(s) of

30 _____:
31 (address)
32

33 The owner(s) of this building, at (address), have received the
34 final subdivision report on the proposed conversion of this building
35 to a (condominium, community apartment, or stock cooperative
36 project). Commencing on the date of issuance of the subdivision
37 public report, you have the exclusive right for 90 days to contract
38 for the purchase of your rental unit upon the same or more
39 favorable terms and conditions than the unit will initially be offered
40 to the general public.

(signature of owner or owner's agent)

(date)"

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

SEC. 4. Section 66452.13 of the Government Code is amended to read:

66452.13. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative map or vesting tentative map has been approved, that has not expired on or before the date the act that adds this section becomes effective shall be extended by 12 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in ~~Section 66452.11, 66452.16, 66452.6, or 66463.5.~~ *Section 66452.6, 66452.11, 66452.21, or 66463.5.*

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that adds this section becomes effective. This extension shall be in addition to any extension provided for in Section 66452.11.

SEC. 5. ~~Section 66452.16~~ *66452.21* is added to the Government Code, to read:

~~66452.16.~~

66452.21. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that adds this section becomes effective shall be extended by ~~24~~ *12* months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by ~~24~~ *12* months if this approval has not expired on the date that

1 the act that adds this section becomes effective. This extension
2 shall be in addition to any extension provided for in Section
3 66452.13.

4 *SEC. 6. Section 66463.5 of the Government Code is amended*
5 *to read:*

6 66463.5. (a) When a tentative map is required, an approved
7 or conditionally approved tentative map shall expire 24 months
8 after its approval or conditional approval, or after any additional
9 period of time as may be prescribed by local ordinance, not to
10 exceed an additional 12 months.

11 (b) The expiration of the approved or conditionally approved
12 tentative map shall terminate all proceedings, and no parcel map
13 of all or any portion of the real property included within the
14 tentative map shall be filed without first processing a new tentative
15 map. Once a timely filing is made, subsequent actions of the local
16 agency, including, but not limited to, processing, approving, and
17 recording, may lawfully occur after the date of expiration of the
18 tentative map. Delivery to the county surveyor or city engineer
19 shall be deemed a timely filing for purposes of this section.

20 (c) Upon application of the subdivider filed prior to the
21 expiration of the approved or conditionally approved tentative
22 map, the time at which the map expires may be extended by the
23 legislative body or by an advisory agency authorized to approve
24 or conditionally approve tentative maps for a period or periods not
25 exceeding a total of ~~five~~ *six* years. Prior to the expiration of an
26 approved or conditionally approved tentative map, upon the
27 application by the subdivider to extend that map, the map shall
28 automatically be extended for 60 days or until the application for
29 the extension is approved, conditionally approved, or denied,
30 whichever occurs first. If the advisory agency denies a subdivider's
31 application for an extension, the subdivider may appeal to the
32 legislative body within 15 days after the advisory agency has
33 denied the extension.

34 (d) (1) The period of time specified in subdivision (a) shall not
35 include any period of time during which a development
36 moratorium, imposed after approval of the tentative map, is in
37 existence. However, the length of the moratorium shall not exceed
38 five years.

39 (2) Once a moratorium is terminated, the map shall be valid for
40 the same period of time as was left to run on the map at the time

1 that the moratorium was imposed. However, if the remaining time
2 is less than 120 days, the map shall be valid for 120 days following
3 the termination of the moratorium.

4 (e) The period of time specified in subdivision (a), including
5 any extension thereof granted pursuant to subdivision (c), shall
6 not include the period of time during which a lawsuit involving
7 the approval or conditional approval of the tentative map is, or
8 was, pending in a court of competent jurisdiction, if the stay of the
9 time period is approved by the local agency pursuant to this section.
10 After service of the initial petition or complaint in the lawsuit upon
11 the local agency, the subdivider may apply to the local agency for
12 a stay pursuant to the local agency's adopted procedures. Within
13 40 days after receiving the application, the local agency shall either
14 stay the time period for up to five years or deny the requested stay.
15 The local agency may, by ordinance, establish procedures for
16 reviewing the requests, including, but not limited to, notice and
17 hearing requirements, appeal procedures, and other administrative
18 requirements.

19 (f) For purposes of this section, a development moratorium shall
20 include a water or sewer moratorium or a water and sewer
21 moratorium, as well as other actions of public agencies that regulate
22 land use, development, or the provision of services to the land,
23 including the public agency with the authority to approve or
24 conditionally approve the tentative map, which thereafter prevents,
25 prohibits, or delays the approval of a parcel map.

26 (g) Notwithstanding subdivisions (a), (b), and (c), for the
27 purposes of Chapter 4.5 (commencing with Section 66498.1),
28 subdivisions (b), (c), and (d) of Section 66498.5 shall apply to
29 vesting tentative maps prepared in connection with a parcel map
30 except that, for purposes of this section, the time periods specified
31 in subdivisions (b), (c), and (d) of Section 66498.5 shall be
32 determined from the recordation of the parcel map instead of the
33 final map.

34 ~~SEC. 6.~~

35 *SEC. 7.* No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 a local agency or school district has the authority to levy service
38 charges, fees, or assessments sufficient to pay for the program or
39 level of service mandated by this act, within the meaning of Section
40 17556 of the Government Code.

1 ~~SEC. 7.~~

2 *SEC. 8.* This act is an urgency statute necessary for the
3 immediate preservation of the public peace, health, or safety within
4 the meaning of Article IV of the Constitution and shall go into
5 immediate effect. The facts constituting the necessity are:

6 In order to permit cities, counties, and a city and county to
7 preserve development applications that are set to expire and that
8 cannot be processed presently due to prevailing adverse economic
9 conditions in the construction industry, it is necessary that this act
10 take immediate effect.

O